



## DEPARTMENT OF THE ARMY

ST. PAUL DISTRICT, CORPS OF ENGINEERS

ARMY CORPS OF ENGINEERS CENTRE

190 FIFTH STREET EAST

ST. PAUL, MN 55101-1638

August 20, 2001

REPLY TO  
ATTENTION OF

Construction-Operations  
Regulatory (01-06700-JJY)

Mr. Kelly J. Bopray  
McCombs Frank Roos Associates, Inc.  
15050 - 23rd Avenue North  
Plymouth, Minnesota 55447

Dear Mr. Bopray:

We have reviewed the information you provided about a project of Hassan Township to place fill in approximately 0.083 acre (3,565 square feet) of an unnamed, isolated wetland as part of the reconstruction of Hassan Parkway. The project site is in Sections 20 and 21, T. 120 N., R. 24 W., Hennepin County, Minnesota, as shown on the attached drawing and maps.

This work does not require a permit from the Corps of Engineers.

This jurisdictional determination takes into consideration the U.S. Supreme Court's decision in Solid Waste Agency of Northern Cook County v. Corps of Engineers (the SWANCC decision).

The subject water body is not a "water of the United States" because it is: (1) not a "navigable water" as defined by Federal law, (2) not an interstate water, (3) not part of a tributary system to (1) or (2), (4) not a wetland adjacent to any of the foregoing, and (5) not an impoundment of any of the above. In addition, the interstate commerce nexus to this particular waterbody is insufficient to establish Clean Water Act jurisdiction. This waterbody is therefore not subject to regulation by the Corps of Engineers under Section 404 of the Clean Water Act. Please note that a water that is not regulated under Federal law may still be a jurisdictional water as defined by State or other laws (and may therefore be subject to regulation by the State or other entities).

This jurisdictional determination is valid only for the project and waterbody referenced above. It is based on the Headquarters guidance available to us at this time.

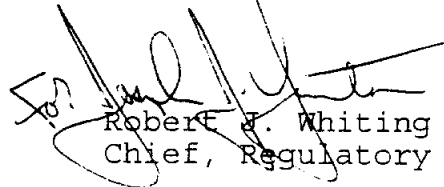
PLEASE NOTE THAT THIS LETTER DOES NOT ELIMINATE THE NEED FOR OTHER FEDERAL, STATE, LOCAL, OR OTHER AUTHORIZATIONS (SUCH AS THOSE OF THE DEPARTMENT OF NATURAL RESOURCES, THE POLLUTION CONTROL AGENCY, OR THE STATE WETLAND CONSERVATION ACT).



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If you have any questions, contact Mr. Joseph Yanta in our St. Paul office at (651) 290-5362. In any correspondence or inquiries, please refer to the Regulatory number shown above.

Sincerely,



Robert J. Whiting  
Chief, Regulatory Branch

Enclosures